

**Submission  
No 18**

## **INQUIRY INTO THE 2015 NSW STATE ELECTION**

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## Electoral Matters Committee - Inquiry into the 2015 NSW state election

Recent election history will see the issues of electoral funding, political influence and the gaming of the electoral system as issues of concern. A less obvious concern to the majority is the impact of alternative voting methods (and their illicit use) be they technological or the expansion of existing pre-poll provisions.

The requirement for parliament to provide a truly representative and corruption free process is complicated by both generally accepted liberty issues of free speech and associated administrative limitations.

Under current law(?) or at least practice, the Electoral Commissioner is not a free agent to provide independent advice at any time and on any relevant issue to the Parliament or the people of NSW. Commissioners claim that they cannot act without a referral from the Government of the Day.

Similarly, the chief KPI of the Commissioners has tended to be maximising the width of the voting franchise rather than the quality of the outcome. We no longer actually have a polling day, where citizens are expected to exercise their right and privilege, but, we have a voting fortnight and myriad ways to avoid voting on polling day. Non-election day votes should be maintained as the exception not the 12% and growing number who see this as 'easier.'

Besides blatant bias of both the law and former Commissioners (on the public record) in favour of maintaining the fiction that our parliament is best served as a two party system, the incapacity of those given a commission by the Governor and the public servants to act as a free agency at the service of the people, rather than the Government of the Day or the major parties, is problematic.

The expenditure of the electoral education funds on party administrations is deplorable and a waste of public monies. It is the membership of the party that should be there to keep them afloat (or otherwise).

Of course, the role of third parties (be they Unions, or Corporations or 'think tanks' etc, is a major issue. The criminalisation of developers and builders, as yet untested (cf to Unions) in terms of legal appeal, is a point in issue. The merit of the ban is understood, however, it must be equally applied to all third parties. The implications on free speech is noted, but, can be regulated if all parties are treated equally.

The Dual hat roles of commissioner and electoral funding watchdog has seen absurd legislation and administrative and legal effort in the pursuit of assessing non-existent electoral funding and expenditure, but, an incapacity to regulate the more serious issue fraudulent enrolment and illicit candidate registrations that cannot be challenged until after an election!?

So can the issue of spiralling election campaign costs, the right to lobby (or buy influence?) the canvassing of electors by both candidates and third parties etc for a specific polling event be improved?

Clearly the current situation sees those with finances able to influence policy, both directly and indirectly. Similarly, most candidates require a party or fund-raising body to assist them with their campaigns. The need for cash provides a major impediment to parliamentary performance and public policy independence.

Restricting both fundraising and electoral expenditure needs to be simplified. Allowing political organisations to undertake these tasks merging local/state and federal 'paper walls' and regulating after the fact needs to be addressed.

The easiest way for this to be undertaken is via the Electoral Authority being the sole recipient of candidate funds and the authorised payment agency for all electoral activity. All donations and payments would be on a live public website and updated daily as transactions occurred. No transactions would be permitted within three days of the vote.

Any provision of funds or in-kind services or expenditure not declared or undertaken outside this legislated process is an offence and both the candidate and the offending third party should face prosecution and in the case of those running, the loss of candidacy. This latter point would encourage a far greater duty of care on the individual.

If such a scheme was adopted, should limits be placed on who donates and how much and would limiting expenditure on certain elements be relevant? Can a level playing field be created to lesson the influence of the moneyed players in the system?

A consideration in this regard is the impact of electoral material on both the costs of elections and the lack of capacity for voters to actually know who a candidate is and whether they are resident (representative?) in the electorate and have current or recent political affiliations with parties of other standing candidates.

The electoral process should clearly identify who the candidate is, where they are resident, who has nominated them and if they, or their nominators, have or have had a party affiliation in the 24 months prior to current election.

So what is a possible improved electoral process?

Firstly, all transactions and processes should be candidate based and not hidden behind party structures/agents and screens.

Candidate nomination procedures should be transparent and identify both the candidate and their nominators political affiliations (if any in the preceding 24 months) on a web based candidate register.

All candidate donations (including self-funding amounts and in-kind services) should be placed in a candidate account and noted on the associated candidate register held by the Electoral Authority along with details of any disbursement on behalf of the candidate.

Given that the only real expense a candidate can reasonably have is associated with advertising/publicity and the delivery costs of this material (by hand or by post) and limited other costs associated with travel or fundraising itself, the option to have the Electoral Authority responsible for a website and "App" for each electorate and a single publication with all candidate details and propaganda being delivered to each registered elector 2 weeks prior to the election would remove much of this funding/expenditure equation. The (increased) cost of such a publication could be met as part of the candidacy fees as currently administered.

The same document could contain the ONLY LAWFUL material and application forms on how to vote details (including Legislative Council distribution deals if they are not precluded by above the line preferential reforms) and remove the need for any dissemination of electoral material both in regard to postal and pre- polling and on polling day itself. It could also be coded and used as an authority to vote if desired by the voter. NO CANDIDATE, PARTY or THIRD PARTY SHOULD PRINT OR PROVIDE POSTAL VOTING APPLICATIONS OR DETAILS.

In regard to third party advertising/lobbying, in the absence of such a group having an eligible candidate on the ticket, a third party may seek the permission of a candidate to display information and pay the Electoral Authority a prescribed fee for a 500 word 'statutory' campaign announcement. Said announcement would identify the organisation/individual and which candidate authorised the inclusion of the material and detail any donations made to any candidate/s, group or party (both in the contested Seat and elsewhere).

Of course, I don't expect party interests to allow any of this to happen, however, voters are entitled to know who is running and who is supporting them and as much of this should be publicly transparent as possible.

Elections don't need to be expensive, resource hungry and environmentally degrading. We can do better and all it takes is some administrative skill, basic software and a little technology. Sure it may have some teething issues such as I-vote, but, better procedures can deal with this.

Sincerely

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